



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4328

Introduced 02/02/04, by Kevin Joyce

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-204	from Ch. 95 1/2, par. 6-204
625 ILCS 5/6-205	from Ch. 95 1/2, par. 6-205
625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
625 ILCS 5/11-503.5 new	
625 ILCS 5/11-503.6 new	

Amends the Illinois Vehicle Code. Provides that a person who intentionally and with malice drives his or her vehicle in such an unlawful manner as to endanger the bodily safety or property of another driver, bicyclist, or pedestrian commits road rage. Penalty is a Class A misdemeanor. If the violation results in great bodily harm or permanent disfigurement to another, the offense is aggravated road rage and the penalty is a Class 4 felony for which the person must be sentenced to a mandatory 48 consecutive hours of imprisonment. Creates the offense of aggressive driving, operating a vehicle carelessly or heedlessly without watchful attention, concern, caution, or regard for the rights or safety of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver or passengers of the vehicle. Provides that the penalty is a Class B misdemeanor for a first offense and a Class A misdemeanor for a second or subsequent offense. Establishes penalties. Provides that these offenses are reportable to the Secretary of State when the court orders a disposition of supervision. Provides that the Secretary of State may revoke the driver's license of a driver who has been convicted of reckless driving, road rage, or aggressive driving. Effective January 1, 2005.

LRB093 18293 DRH 43996 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 6-204, 6-205, and 6-206 and adding Sections 11-503.5
6 and 11-503.6 as follows:

7 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

8 Sec. 6-204. When Court to forward License and Reports.

9 (a) For the purpose of providing to the Secretary of State
10 the records essential to the performance of the Secretary's
11 duties under this Code to cancel, revoke or suspend the
12 driver's license and privilege to drive motor vehicles of
13 certain minors adjudicated truant minors in need of
14 supervision, addicted, or delinquent and of persons found
15 guilty of the criminal offenses or traffic violations which
16 this Code recognizes as evidence relating to unfitness to
17 safely operate motor vehicles, the following duties are imposed
18 upon public officials:

19 (1) Whenever any person is convicted of any offense for
20 which this Code makes mandatory the cancellation or
21 revocation of the driver's license or permit of such person
22 by the Secretary of State, the judge of the court in which
23 such conviction is had shall require the surrender to the
24 clerk of the court of all driver's licenses or permits then
25 held by the person so convicted, and the clerk of the court
26 shall, within 10 days thereafter, forward the same,
27 together with a report of such conviction, to the
28 Secretary.

29 (2) Whenever any person is convicted of any offense
30 under this Code or similar offenses under a municipal
31 ordinance, other than regulations governing standing,
32 parking or weights of vehicles, and excepting the following

1 enumerated Sections of this Code: Sections 11-1406
2 (obstruction to driver's view or control), 11-1407
3 (improper opening of door into traffic), 11-1410 (coasting
4 on downgrade), 11-1411 (following fire apparatus),
5 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
6 vehicle which is in unsafe condition or improperly
7 equipped), 12-201(a) (daytime lights on motorcycles),
8 12-202 (clearance, identification and side marker lamps),
9 12-204 (lamp or flag on projecting load), 12-205 (failure
10 to display the safety lights required), 12-401
11 (restrictions as to tire equipment), 12-502 (mirrors),
12 12-503 (windshields must be unobstructed and equipped with
13 wipers), 12-601 (horns and warning devices), 12-602
14 (mufflers, prevention of noise or smoke), 12-603 (seat
15 safety belts), 12-702 (certain vehicles to carry flares or
16 other warning devices), 12-703 (vehicles for oiling roads
17 operated on highways), 12-710 (splash guards and
18 replacements), 13-101 (safety tests), 15-101 (size, weight
19 and load), 15-102 (width), 15-103 (height), 15-104 (name
20 and address on second division vehicles), 15-107 (length of
21 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
22 15-112 (weights), 15-301 (weights), 15-316 (weights),
23 15-318 (weights), and also excepting the following
24 enumerated Sections of the Chicago Municipal Code:
25 Sections 27-245 (following fire apparatus), 27-254
26 (obstruction of traffic), 27-258 (driving vehicle which is
27 in unsafe condition), 27-259 (coasting on downgrade),
28 27-264 (use of horns and signal devices), 27-265
29 (obstruction to driver's view or driver mechanism), 27-267
30 (dimming of headlights), 27-268 (unattended motor
31 vehicle), 27-272 (illegal funeral procession), 27-273
32 (funeral procession on boulevard), 27-275 (driving freight
33 hauling vehicles on boulevard), 27-276 (stopping and
34 standing of buses or taxicabs), 27-277 (cruising of public
35 passenger vehicles), 27-305 (parallel parking), 27-306
36 (diagonal parking), 27-307 (parking not to obstruct

1 traffic), 27-308 (stopping, standing or parking
2 regulated), 27-311 (parking regulations), 27-312 (parking
3 regulations), 27-313 (parking regulations), 27-314
4 (parking regulations), 27-315 (parking regulations),
5 27-316 (parking regulations), 27-317 (parking
6 regulations), 27-318 (parking regulations), 27-319
7 (parking regulations), 27-320 (parking regulations),
8 27-321 (parking regulations), 27-322 (parking
9 regulations), 27-324 (loading and unloading at an angle),
10 27-333 (wheel and axle loads), 27-334 (load restrictions in
11 the downtown district), 27-335 (load restrictions in
12 residential areas), 27-338 (width of vehicles), 27-339
13 (height of vehicles), 27-340 (length of vehicles), 27-352
14 (reflectors on trailers), 27-353 (mufflers), 27-354
15 (display of plates), 27-355 (display of city vehicle tax
16 sticker), 27-357 (identification of vehicles), 27-358
17 (projecting of loads), and also excepting the following
18 enumerated paragraphs of Section 2-201 of the Rules and
19 Regulations of the Illinois State Toll Highway Authority:
20 (l) (driving unsafe vehicle on tollway), (m) (vehicles
21 transporting dangerous cargo not properly indicated), it
22 shall be the duty of the clerk of the court in which such
23 conviction is had within 10 days thereafter to forward to
24 the Secretary of State a report of the conviction and the
25 court may recommend the suspension of the driver's license
26 or permit of the person so convicted.

27 The reporting requirements of this subsection shall apply
28 to all violations stated in paragraphs (1) and (2) of this
29 subsection when the individual has been adjudicated under the
30 Juvenile Court Act or the Juvenile Court Act of 1987. Such
31 reporting requirements shall also apply to individuals
32 adjudicated under the Juvenile Court Act or the Juvenile Court
33 Act of 1987 who have committed a violation of Section 11-501 of
34 this Code, or similar provision of a local ordinance, or
35 Section 9-3 of the Criminal Code of 1961, as amended, relating
36 to the offense of reckless homicide. The reporting requirements

1 of this subsection shall also apply to a truant minor in need
2 of supervision, an addicted minor, or a delinquent minor and
3 whose driver's license and privilege to drive a motor vehicle
4 has been ordered suspended for such times as determined by the
5 Court, but only until he or she attains 18 years of age. It
6 shall be the duty of the clerk of the court in which
7 adjudication is had within 10 days thereafter to forward to the
8 Secretary of State a report of the adjudication and the court
9 order requiring the Secretary of State to suspend the minor's
10 driver's license and driving privilege for such time as
11 determined by the Court, but only until he or she attains the
12 age of 18 years. All juvenile court dispositions reported to
13 the Secretary of State under this provision shall be processed
14 by the Secretary of State as if the cases had been adjudicated
15 in traffic or criminal court. However, information reported
16 relative to the offense of reckless homicide, or Section 11-501
17 of this Code, or a similar provision of a local ordinance,
18 shall be privileged and available only to the Secretary of
19 State, courts, and police officers.

20 (3) Whenever an order is entered vacating the
21 forfeiture of any bail, security or bond given to secure
22 appearance for any offense under this Code or similar
23 offenses under municipal ordinance, it shall be the duty of
24 the clerk of the court in which such vacation was had or
25 the judge of such court if such court has no clerk, within
26 10 days thereafter to forward to the Secretary of State a
27 report of the vacation.

28 (4) A report of any disposition of court supervision
29 for a violation of Sections 6-303, 11-401, 11-501 or a
30 similar provision of a local ordinance, 11-503, 11-503.5,
31 11-503.6, and 11-504 shall be forwarded to the Secretary of
32 State. A report of any disposition of court supervision for
33 a violation of an offense defined as a serious traffic
34 violation in this Code or a similar provision of a local
35 ordinance committed by a person under the age of 21 years
36 shall be forwarded to the Secretary of State.

1 (5) Reports of conviction under this Code and
2 sentencing hearings under the Juvenile Court Act of 1987 in
3 an electronic format or a computer processible medium shall
4 be forwarded to the Secretary of State via the Supreme
5 Court in the form and format required by the Illinois
6 Supreme Court and established by a written agreement
7 between the Supreme Court and the Secretary of State. In
8 counties with a population over 300,000, instead of
9 forwarding reports to the Supreme Court, reports of
10 conviction under this Code and sentencing hearings under
11 the Juvenile Court Act of 1987 in an electronic format or a
12 computer processible medium may be forwarded to the
13 Secretary of State by the Circuit Court Clerk in a form and
14 format required by the Secretary of State and established
15 by written agreement between the Circuit Court Clerk and
16 the Secretary of State. Failure to forward the reports of
17 conviction or sentencing hearing under the Juvenile Court
18 Act of 1987 as required by this Section shall be deemed an
19 omission of duty and it shall be the duty of the several
20 State's Attorneys to enforce the requirements of this
21 Section.

22 (b) Whenever a restricted driving permit is forwarded to a
23 court, as a result of confiscation by a police officer pursuant
24 to the authority in Section 6-113(f), it shall be the duty of
25 the clerk, or judge, if the court has no clerk, to forward such
26 restricted driving permit and a facsimile of the officer's
27 citation to the Secretary of State as expeditiously as
28 practicable.

29 (c) For the purposes of this Code, a forfeiture of bail or
30 collateral deposited to secure a defendant's appearance in
31 court when forfeiture has not been vacated, or the failure of a
32 defendant to appear for trial after depositing his driver's
33 license in lieu of other bail, shall be equivalent to a
34 conviction.

35 (d) For the purpose of providing the Secretary of State
36 with records necessary to properly monitor and assess driver

1 performance and assist the courts in the proper disposition of
2 repeat traffic law offenders, the clerk of the court shall
3 forward to the Secretary of State, on a form prescribed by the
4 Secretary, records of a driver's participation in a driver
5 remedial or rehabilitative program which was required, through
6 a court order or court supervision, in relation to the driver's
7 arrest for a violation of Section 11-501 of this Code or a
8 similar provision of a local ordinance. The clerk of the court
9 shall also forward to the Secretary, either on paper or in an
10 electronic format or a computer processible medium as required
11 under paragraph (5) of subsection (a) of this Section, any
12 disposition of court supervision for any traffic violation,
13 excluding those offenses listed in paragraph (2) of subsection
14 (a) of this Section. These reports shall be sent within 10 days
15 after disposition, or, if the driver is referred to a driver
16 remedial or rehabilitative program, within 10 days of the
17 driver's referral to that program. These reports received by
18 the Secretary of State, including those required to be
19 forwarded under paragraph (a)(4), shall be privileged
20 information, available only (i) to the affected driver and (ii)
21 for use by the courts, police officers, prosecuting
22 authorities, and the Secretary of State.

23 (Source: P.A. 91-357, eff. 7-29-99; 91-716, eff. 10-1-00;
24 92-458, eff. 8-22-01.)

25 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

26 Sec. 6-205. Mandatory revocation of license or permit;
27 Hardship cases.

28 (a) Except as provided in this Section, the Secretary of
29 State shall immediately revoke the license, permit, or driving
30 privileges of any driver upon receiving a report of the
31 driver's conviction of any of the following offenses:

32 1. Reckless homicide resulting from the operation of a
33 motor vehicle;

34 2. Violation of Section 11-501 of this Code or a
35 similar provision of a local ordinance relating to the

1 offense of operating or being in physical control of a
2 vehicle while under the influence of alcohol, other drug or
3 drugs, intoxicating compound or compounds, or any
4 combination thereof;

5 3. Any felony under the laws of any State or the
6 federal government in the commission of which a motor
7 vehicle was used;

8 4. Violation of Section 11-401 of this Code relating to
9 the offense of leaving the scene of a traffic accident
10 involving death or personal injury;

11 5. Perjury or the making of a false affidavit or
12 statement under oath to the Secretary of State under this
13 Code or under any other law relating to the ownership or
14 operation of motor vehicles;

15 6. Conviction upon 3 charges of violation of Section
16 11-503 of this Code relating to the offense of reckless
17 driving committed within a period of 12 months;

18 7. Conviction of any offense defined in Section 4-102
19 of this Code;

20 8. Violation of Section 11-504 of this Code relating to
21 the offense of drag racing;

22 9. Violation of Chapters 8 and 9 of this Code;

23 10. Violation of Section 12-5 of the Criminal Code of
24 1961 arising from the use of a motor vehicle;

25 11. Violation of Section 11-204.1 of this Code relating
26 to aggravated fleeing or attempting to elude a peace
27 officer;

28 12. Violation of paragraph (1) of subsection (b) of
29 Section 6-507, or a similar law of any other state,
30 relating to the unlawful operation of a commercial motor
31 vehicle;

32 13. Violation of paragraph (a) of Section 11-502 of
33 this Code or a similar provision of a local ordinance if
34 the driver has been previously convicted of a violation of
35 that Section or a similar provision of a local ordinance
36 and the driver was less than 21 years of age at the time of

1 the offense;~~:-~~

2 14. Conviction upon 2 charges of violation of Section
3 11-503.5 of this Code relating to the offense of road rage
4 committed within a period of 12 months.

5 (b) The Secretary of State shall also immediately revoke
6 the license or permit of any driver in the following
7 situations:

8 1. Of any minor upon receiving the notice provided for
9 in Section 5-901 of the Juvenile Court Act of 1987 that the
10 minor has been adjudicated under that Act as having
11 committed an offense relating to motor vehicles prescribed
12 in Section 4-103 of this Code;

13 2. Of any person when any other law of this State
14 requires either the revocation or suspension of a license
15 or permit.

16 (c) Whenever a person is convicted of any of the offenses
17 enumerated in this Section, the court may recommend and the
18 Secretary of State in his discretion, without regard to whether
19 the recommendation is made by the court may, upon application,
20 issue to the person a restricted driving permit granting the
21 privilege of driving a motor vehicle between the petitioner's
22 residence and petitioner's place of employment or within the
23 scope of the petitioner's employment related duties, or to
24 allow transportation for the petitioner or a household member
25 of the petitioner's family for the receipt of necessary medical
26 care or, if the professional evaluation indicates, provide
27 transportation for the petitioner for alcohol remedial or
28 rehabilitative activity, or for the petitioner to attend
29 classes, as a student, in an accredited educational
30 institution; if the petitioner is able to demonstrate that no
31 alternative means of transportation is reasonably available
32 and the petitioner will not endanger the public safety or
33 welfare; provided that the Secretary's discretion shall be
34 limited to cases where undue hardship would result from a
35 failure to issue the restricted driving permit.

36 If a person's license or permit has been revoked or

1 suspended due to 2 or more convictions of violating Section
2 11-501 of this Code or a similar provision of a local ordinance
3 or a similar out-of-state offense, arising out of separate
4 occurrences, that person, if issued a restricted driving
5 permit, may not operate a vehicle unless it has been equipped
6 with an ignition interlock device as defined in Section
7 1-129.1.

8 If a person's license or permit has been revoked or
9 suspended 2 or more times within a 10 year period due to a
10 single conviction of violating Section 11-501 of this Code or a
11 similar provision of a local ordinance or a similar
12 out-of-state offense, and a statutory summary suspension under
13 Section 11-501.1, or 2 or more statutory summary suspensions,
14 or combination of 2 offenses, or of an offense and a statutory
15 summary suspension, arising out of separate occurrences, that
16 person, if issued a restricted driving permit, may not operate
17 a vehicle unless it has been equipped with an ignition
18 interlock device as defined in Section 1-129.1. The person must
19 pay to the Secretary of State DUI Administration Fund an amount
20 not to exceed \$20 per month. The Secretary shall establish by
21 rule the amount and the procedures, terms, and conditions
22 relating to these fees. If the restricted driving permit was
23 issued for employment purposes, then this provision does not
24 apply to the operation of an occupational vehicle owned or
25 leased by that person's employer. In each case the Secretary of
26 State may issue a restricted driving permit for a period he
27 deems appropriate, except that the permit shall expire within
28 one year from the date of issuance. The Secretary may not,
29 however, issue a restricted driving permit to any person whose
30 current revocation is the result of a second or subsequent
31 conviction for a violation of Section 11-501 of this Code or a
32 similar provision of a local ordinance relating to the offense
33 of operating or being in physical control of a motor vehicle
34 while under the influence of alcohol, other drug or drugs,
35 intoxicating compound or compounds, or any similar
36 out-of-state offense, or any combination thereof, until the

1 expiration of at least one year from the date of the
2 revocation. A restricted driving permit issued under this
3 Section shall be subject to cancellation, revocation, and
4 suspension by the Secretary of State in like manner and for
5 like cause as a driver's license issued under this Code may be
6 cancelled, revoked, or suspended; except that a conviction upon
7 one or more offenses against laws or ordinances regulating the
8 movement of traffic shall be deemed sufficient cause for the
9 revocation, suspension, or cancellation of a restricted
10 driving permit. The Secretary of State may, as a condition to
11 the issuance of a restricted driving permit, require the
12 applicant to participate in a designated driver remedial or
13 rehabilitative program. The Secretary of State is authorized to
14 cancel a restricted driving permit if the permit holder does
15 not successfully complete the program. However, if an
16 individual's driving privileges have been revoked in
17 accordance with paragraph 13 of subsection (a) of this Section,
18 no restricted driving permit shall be issued until the
19 individual has served 6 months of the revocation period.

20 (d) Whenever a person under the age of 21 is convicted
21 under Section 11-501 of this Code or a similar provision of a
22 local ordinance, the Secretary of State shall revoke the
23 driving privileges of that person. One year after the date of
24 revocation, and upon application, the Secretary of State may,
25 if satisfied that the person applying will not endanger the
26 public safety or welfare, issue a restricted driving permit
27 granting the privilege of driving a motor vehicle only between
28 the hours of 5 a.m. and 9 p.m. or as otherwise provided by this
29 Section for a period of one year. After this one year period,
30 and upon reapplication for a license as provided in Section
31 6-106, upon payment of the appropriate reinstatement fee
32 provided under paragraph (b) of Section 6-118, the Secretary of
33 State, in his discretion, may issue the applicant a license, or
34 extend the restricted driving permit as many times as the
35 Secretary of State deems appropriate, by additional periods of
36 not more than 12 months each, until the applicant attains 21

1 years of age.

2 If a person's license or permit has been revoked or
3 suspended due to 2 or more convictions of violating Section
4 11-501 of this Code or a similar provision of a local ordinance
5 or a similar out-of-state offense, arising out of separate
6 occurrences, that person, if issued a restricted driving
7 permit, may not operate a vehicle unless it has been equipped
8 with an ignition interlock device as defined in Section
9 1-129.1.

10 If a person's license or permit has been revoked or
11 suspended 2 or more times within a 10 year period due to a
12 single conviction of violating Section 11-501 of this Code or a
13 similar provision of a local ordinance or a similar
14 out-of-state offense, and a statutory summary suspension under
15 Section 11-501.1, or 2 or more statutory summary suspensions,
16 or combination of 2 offenses, or of an offense and a statutory
17 summary suspension, arising out of separate occurrences, that
18 person, if issued a restricted driving permit, may not operate
19 a vehicle unless it has been equipped with an ignition
20 interlock device as defined in Section 1-129.1. The person must
21 pay to the Secretary of State DUI Administration Fund an amount
22 not to exceed \$20 per month. The Secretary shall establish by
23 rule the amount and the procedures, terms, and conditions
24 relating to these fees. If the restricted driving permit was
25 issued for employment purposes, then this provision does not
26 apply to the operation of an occupational vehicle owned or
27 leased by that person's employer. A restricted driving permit
28 issued under this Section shall be subject to cancellation,
29 revocation, and suspension by the Secretary of State in like
30 manner and for like cause as a driver's license issued under
31 this Code may be cancelled, revoked, or suspended; except that
32 a conviction upon one or more offenses against laws or
33 ordinances regulating the movement of traffic shall be deemed
34 sufficient cause for the revocation, suspension, or
35 cancellation of a restricted driving permit. The revocation
36 periods contained in this subparagraph shall apply to similar

1 out-of-state convictions.

2 (e) This Section is subject to the provisions of the Driver
3 License Compact.

4 (f) Any revocation imposed upon any person under
5 subsections 2 and 3 of paragraph (b) that is in effect on
6 December 31, 1988 shall be converted to a suspension for a like
7 period of time.

8 (g) The Secretary of State shall not issue a restricted
9 driving permit to a person under the age of 16 years whose
10 driving privileges have been revoked under any provisions of
11 this Code.

12 (h) The Secretary of State shall require the use of
13 ignition interlock devices on all vehicles owned by an
14 individual who has been convicted of a second or subsequent
15 offense under Section 11-501 of this Code or a similar
16 provision of a local ordinance. The Secretary shall establish
17 by rule and regulation the procedures for certification and use
18 of the interlock system.

19 (i) The Secretary of State may not issue a restricted
20 driving permit for a period of one year after a second or
21 subsequent revocation of driving privileges under clause
22 (a)(2) of this Section; however, one year after the date of a
23 second or subsequent revocation of driving privileges under
24 clause (a)(2) of this Section, the Secretary of State may, upon
25 application, issue a restricted driving permit under the terms
26 and conditions of subsection (c).

27 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;
28 92-651, eff. 7-11-02; 92-834, eff. 8-22-02; 93-120, eff.
29 1-1-04.)

30 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

31 Sec. 6-206. Discretionary authority to suspend or revoke
32 license or permit; Right to a hearing.

33 (a) The Secretary of State is authorized to suspend or
34 revoke the driving privileges of any person without preliminary
35 hearing upon a showing of the person's records or other

1 sufficient evidence that the person:

2 1. Has committed an offense for which mandatory
3 revocation of a driver's license or permit is required upon
4 conviction;

5 2. Has been convicted of not less than 3 offenses
6 against traffic regulations governing the movement of
7 vehicles committed within any 12 month period. No
8 revocation or suspension shall be entered more than 6
9 months after the date of last conviction;

10 3. Has been repeatedly involved as a driver in motor
11 vehicle collisions or has been repeatedly convicted of
12 offenses against laws and ordinances regulating the
13 movement of traffic, to a degree that indicates lack of
14 ability to exercise ordinary and reasonable care in the
15 safe operation of a motor vehicle or disrespect for the
16 traffic laws and the safety of other persons upon the
17 highway;

18 4. Has by the unlawful operation of a motor vehicle
19 caused or contributed to an accident resulting in death or
20 injury requiring immediate professional treatment in a
21 medical facility or doctor's office to any person, except
22 that any suspension or revocation imposed by the Secretary
23 of State under the provisions of this subsection shall
24 start no later than 6 months after being convicted of
25 violating a law or ordinance regulating the movement of
26 traffic, which violation is related to the accident, or
27 shall start not more than one year after the date of the
28 accident, whichever date occurs later;

29 5. Has permitted an unlawful or fraudulent use of a
30 driver's license, identification card, or permit;

31 6. Has been lawfully convicted of an offense or
32 offenses in another state, including the authorization
33 contained in Section 6-203.1, which if committed within
34 this State would be grounds for suspension or revocation;

35 7. Has refused or failed to submit to an examination
36 provided for by Section 6-207 or has failed to pass the

1 examination;

2 8. Is ineligible for a driver's license or permit under
3 the provisions of Section 6-103;

4 9. Has made a false statement or knowingly concealed a
5 material fact or has used false information or
6 identification in any application for a license,
7 identification card, or permit;

8 10. Has possessed, displayed, or attempted to
9 fraudulently use any license, identification card, or
10 permit not issued to the person;

11 11. Has operated a motor vehicle upon a highway of this
12 State when the person's driving privilege or privilege to
13 obtain a driver's license or permit was revoked or
14 suspended unless the operation was authorized by a judicial
15 driving permit, probationary license to drive, or a
16 restricted driving permit issued under this Code;

17 12. Has submitted to any portion of the application
18 process for another person or has obtained the services of
19 another person to submit to any portion of the application
20 process for the purpose of obtaining a license,
21 identification card, or permit for some other person;

22 13. Has operated a motor vehicle upon a highway of this
23 State when the person's driver's license or permit was
24 invalid under the provisions of Sections 6-107.1 and 6-110;

25 14. Has committed a violation of Section 6-301,
26 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
27 of the Illinois Identification Card Act;

28 15. Has been convicted of violating Section 21-2 of the
29 Criminal Code of 1961 relating to criminal trespass to
30 vehicles in which case, the suspension shall be for one
31 year;

32 16. Has been convicted of violating Section 11-204 of
33 this Code relating to fleeing from a peace officer;

34 17. Has refused to submit to a test, or tests, as
35 required under Section 11-501.1 of this Code and the person
36 has not sought a hearing as provided for in Section

1 11-501.1;

2 18. Has, since issuance of a driver's license or
3 permit, been adjudged to be afflicted with or suffering
4 from any mental disability or disease;

5 19. Has committed a violation of paragraph (a) or (b)
6 of Section 6-101 relating to driving without a driver's
7 license;

8 20. Has been convicted of violating Section 6-104
9 relating to classification of driver's license;

10 21. Has been convicted of violating Section 11-402 of
11 this Code relating to leaving the scene of an accident
12 resulting in damage to a vehicle in excess of \$1,000, in
13 which case the suspension shall be for one year;

14 22. Has used a motor vehicle in violating paragraph
15 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
16 the Criminal Code of 1961 relating to unlawful use of
17 weapons, in which case the suspension shall be for one
18 year;

19 23. Has, as a driver, been convicted of committing a
20 violation of paragraph (a) of Section 11-502 of this Code
21 for a second or subsequent time within one year of a
22 similar violation;

23 24. Has been convicted by a court-martial or punished
24 by non-judicial punishment by military authorities of the
25 United States at a military installation in Illinois of or
26 for a traffic related offense that is the same as or
27 similar to an offense specified under Section 6-205 or
28 6-206 of this Code;

29 25. Has permitted any form of identification to be used
30 by another in the application process in order to obtain or
31 attempt to obtain a license, identification card, or
32 permit;

33 26. Has altered or attempted to alter a license or has
34 possessed an altered license, identification card, or
35 permit;

36 27. Has violated Section 6-16 of the Liquor Control Act

1 of 1934;

2 28. Has been convicted of the illegal possession, while
3 operating or in actual physical control, as a driver, of a
4 motor vehicle, of any controlled substance prohibited
5 under the Illinois Controlled Substances Act or any
6 cannabis prohibited under the provisions of the Cannabis
7 Control Act, in which case the person's driving privileges
8 shall be suspended for one year, and any driver who is
9 convicted of a second or subsequent offense, within 5 years
10 of a previous conviction, for the illegal possession, while
11 operating or in actual physical control, as a driver, of a
12 motor vehicle, of any controlled substance prohibited
13 under the provisions of the Illinois Controlled Substances
14 Act or any cannabis prohibited under the Cannabis Control
15 Act shall be suspended for 5 years. Any defendant found
16 guilty of this offense while operating a motor vehicle,
17 shall have an entry made in the court record by the
18 presiding judge that this offense did occur while the
19 defendant was operating a motor vehicle and order the clerk
20 of the court to report the violation to the Secretary of
21 State;

22 29. Has been convicted of the following offenses that
23 were committed while the person was operating or in actual
24 physical control, as a driver, of a motor vehicle: criminal
25 sexual assault, predatory criminal sexual assault of a
26 child, aggravated criminal sexual assault, criminal sexual
27 abuse, aggravated criminal sexual abuse, juvenile pimping,
28 soliciting for a juvenile prostitute and the manufacture,
29 sale or delivery of controlled substances or instruments
30 used for illegal drug use or abuse in which case the
31 driver's driving privileges shall be suspended for one
32 year;

33 30. Has been convicted a second or subsequent time for
34 any combination of the offenses named in paragraph 29 of
35 this subsection, in which case the person's driving
36 privileges shall be suspended for 5 years;

1 31. Has refused to submit to a test as required by
2 Section 11-501.6 or has submitted to a test resulting in an
3 alcohol concentration of 0.08 or more or any amount of a
4 drug, substance, or compound resulting from the unlawful
5 use or consumption of cannabis as listed in the Cannabis
6 Control Act, a controlled substance as listed in the
7 Illinois Controlled Substances Act, or an intoxicating
8 compound as listed in the Use of Intoxicating Compounds
9 Act, in which case the penalty shall be as prescribed in
10 Section 6-208.1;

11 32. Has been convicted of Section 24-1.2 of the
12 Criminal Code of 1961 relating to the aggravated discharge
13 of a firearm if the offender was located in a motor vehicle
14 at the time the firearm was discharged, in which case the
15 suspension shall be for 3 years;

16 33. Has as a driver, who was less than 21 years of age
17 on the date of the offense, been convicted a first time of
18 a violation of paragraph (a) of Section 11-502 of this Code
19 or a similar provision of a local ordinance;

20 34. Has committed a violation of Section 11-1301.5 of
21 this Code;

22 35. Has committed a violation of Section 11-1301.6 of
23 this Code;

24 36. Is under the age of 21 years at the time of arrest
25 and has been convicted of not less than 2 offenses against
26 traffic regulations governing the movement of vehicles
27 committed within any 24 month period. No revocation or
28 suspension shall be entered more than 6 months after the
29 date of last conviction;

30 37. Has committed a violation of subsection (c) of
31 Section 11-907 of this Code;

32 38. Has been convicted of a violation of Section 6-20
33 of the Liquor Control Act of 1934 or a similar provision of
34 a local ordinance; ~~or~~

35 39. Has committed a second or subsequent violation of
36 Section 11-1201 of this Code; ~~or~~

1 (40) Has been convicted of violating Section 11-503 of
2 this Code relating to reckless driving;

3 (41) Has been convicted of violating section 11-503.5
4 of this Code relating to road rage; or

5 (42) Has been convicted of violating section 11-503.6
6 of this Code relating to aggressive driving.

7 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
8 and 27 of this subsection, license means any driver's license,
9 any traffic ticket issued when the person's driver's license is
10 deposited in lieu of bail, a suspension notice issued by the
11 Secretary of State, a duplicate or corrected driver's license,
12 a probationary driver's license or a temporary driver's
13 license.

14 (b) If any conviction forming the basis of a suspension or
15 revocation authorized under this Section is appealed, the
16 Secretary of State may rescind or withhold the entry of the
17 order of suspension or revocation, as the case may be, provided
18 that a certified copy of a stay order of a court is filed with
19 the Secretary of State. If the conviction is affirmed on
20 appeal, the date of the conviction shall relate back to the
21 time the original judgment of conviction was entered and the 6
22 month limitation prescribed shall not apply.

23 (c) 1. Upon suspending or revoking the driver's license or
24 permit of any person as authorized in this Section, the
25 Secretary of State shall immediately notify the person in
26 writing of the revocation or suspension. The notice to be
27 deposited in the United States mail, postage prepaid, to
28 the last known address of the person.

29 2. If the Secretary of State suspends the driver's
30 license of a person under subsection 2 of paragraph (a) of
31 this Section, a person's privilege to operate a vehicle as
32 an occupation shall not be suspended, provided an affidavit
33 is properly completed, the appropriate fee received, and a
34 permit issued prior to the effective date of the
35 suspension, unless 5 offenses were committed, at least 2 of
36 which occurred while operating a commercial vehicle in

1 connection with the driver's regular occupation. All other
2 driving privileges shall be suspended by the Secretary of
3 State. Any driver prior to operating a vehicle for
4 occupational purposes only must submit the affidavit on
5 forms to be provided by the Secretary of State setting
6 forth the facts of the person's occupation. The affidavit
7 shall also state the number of offenses committed while
8 operating a vehicle in connection with the driver's regular
9 occupation. The affidavit shall be accompanied by the
10 driver's license. Upon receipt of a properly completed
11 affidavit, the Secretary of State shall issue the driver a
12 permit to operate a vehicle in connection with the driver's
13 regular occupation only. Unless the permit is issued by the
14 Secretary of State prior to the date of suspension, the
15 privilege to drive any motor vehicle shall be suspended as
16 set forth in the notice that was mailed under this Section.
17 If an affidavit is received subsequent to the effective
18 date of this suspension, a permit may be issued for the
19 remainder of the suspension period.

20 The provisions of this subparagraph shall not apply to
21 any driver required to obtain a commercial driver's license
22 under Section 6-507 during the period of a disqualification
23 of commercial driving privileges under Section 6-514.

24 Any person who falsely states any fact in the affidavit
25 required herein shall be guilty of perjury under Section
26 6-302 and upon conviction thereof shall have all driving
27 privileges revoked without further rights.

28 3. At the conclusion of a hearing under Section 2-118
29 of this Code, the Secretary of State shall either rescind
30 or continue an order of revocation or shall substitute an
31 order of suspension; or, good cause appearing therefor,
32 rescind, continue, change, or extend the order of
33 suspension. If the Secretary of State does not rescind the
34 order, the Secretary may upon application, to relieve undue
35 hardship, issue a restricted driving permit granting the
36 privilege of driving a motor vehicle between the

1 petitioner's residence and petitioner's place of
2 employment or within the scope of his employment related
3 duties, or to allow transportation for the petitioner, or a
4 household member of the petitioner's family, to receive
5 necessary medical care and if the professional evaluation
6 indicates, provide transportation for alcohol remedial or
7 rehabilitative activity, or for the petitioner to attend
8 classes, as a student, in an accredited educational
9 institution; if the petitioner is able to demonstrate that
10 no alternative means of transportation is reasonably
11 available and the petitioner will not endanger the public
12 safety or welfare.

13 If a person's license or permit has been revoked or
14 suspended due to 2 or more convictions of violating Section
15 11-501 of this Code or a similar provision of a local
16 ordinance or a similar out-of-state offense, arising out of
17 separate occurrences, that person, if issued a restricted
18 driving permit, may not operate a vehicle unless it has
19 been equipped with an ignition interlock device as defined
20 in Section 1-129.1.

21 If a person's license or permit has been revoked or
22 suspended 2 or more times within a 10 year period due to a
23 single conviction of violating Section 11-501 of this Code
24 or a similar provision of a local ordinance or a similar
25 out-of-state offense, and a statutory summary suspension
26 under Section 11-501.1, or 2 or more statutory summary
27 suspensions, or combination of 2 offenses, or of an offense
28 and a statutory summary suspension, arising out of separate
29 occurrences, that person, if issued a restricted driving
30 permit, may not operate a vehicle unless it has been
31 equipped with an ignition interlock device as defined in
32 Section 1-129.1. The person must pay to the Secretary of
33 State DUI Administration Fund an amount not to exceed \$20
34 per month. The Secretary shall establish by rule the amount
35 and the procedures, terms, and conditions relating to these
36 fees. If the restricted driving permit was issued for

1 employment purposes, then this provision does not apply to
2 the operation of an occupational vehicle owned or leased by
3 that person's employer. In each case the Secretary may
4 issue a restricted driving permit for a period deemed
5 appropriate, except that all permits shall expire within
6 one year from the date of issuance. The Secretary may not,
7 however, issue a restricted driving permit to any person
8 whose current revocation is the result of a second or
9 subsequent conviction for a violation of Section 11-501 of
10 this Code or a similar provision of a local ordinance
11 relating to the offense of operating or being in physical
12 control of a motor vehicle while under the influence of
13 alcohol, other drug or drugs, intoxicating compound or
14 compounds, or any similar out-of-state offense, or any
15 combination of those offenses, until the expiration of at
16 least one year from the date of the revocation. A
17 restricted driving permit issued under this Section shall
18 be subject to cancellation, revocation, and suspension by
19 the Secretary of State in like manner and for like cause as
20 a driver's license issued under this Code may be cancelled,
21 revoked, or suspended; except that a conviction upon one or
22 more offenses against laws or ordinances regulating the
23 movement of traffic shall be deemed sufficient cause for
24 the revocation, suspension, or cancellation of a
25 restricted driving permit. The Secretary of State may, as a
26 condition to the issuance of a restricted driving permit,
27 require the applicant to participate in a designated driver
28 remedial or rehabilitative program. The Secretary of State
29 is authorized to cancel a restricted driving permit if the
30 permit holder does not successfully complete the program.

31 (c-5) The Secretary of State may, as a condition of the
32 reissuance of a driver's license or permit to an applicant
33 whose driver's license or permit has been suspended before he
34 or she reached the age of 18 years pursuant to any of the
35 provisions of this Section, require the applicant to
36 participate in a driver remedial education course and be

1 retested under Section 6-109 of this Code.

2 (d) This Section is subject to the provisions of the
3 Drivers License Compact.

4 (e) The Secretary of State shall not issue a restricted
5 driving permit to a person under the age of 16 years whose
6 driving privileges have been suspended or revoked under any
7 provisions of this Code.

8 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
9 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
10 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04.)

11 (625 ILCS 5/11-503.5 new)

12 Sec. 11-503.5. Road rage.

13 (a) Any person who intentionally with malice uses any
14 vehicle in such an unlawful manner as to endanger the bodily
15 safety or property of another driver, bicyclist, or pedestrian
16 is guilty of road rage.

17 (b) Road rage is a Class A misdemeanor, except as provided
18 in subsection (c) of this Section.

19 (c) (1) Every person convicted of committing a violation of
20 subsection (a) of this Section is guilty of aggravated road
21 rage if the violation results in great bodily harm or permanent
22 disfigurement to another.

23 (2) Aggravated road rage is a Class 4 felony for which
24 the offender shall be mandatorily sentenced to a minimum of
25 48 consecutive hours of imprisonment. This imprisonment
26 shall not be subject to suspension, nor shall the offender
27 be eligible for probation in order to reduce the sentence.

28 (625 ILCS 5/11-503.6 new)

29 Sec. 11-503.6. Aggressive driving.

30 (a) Any person who operates any vehicle carelessly or
31 heedlessly without watchful attention, concern, caution, or
32 regard for the rights or safety of others, or in a manner that
33 endangers or is likely to endanger any property or any person,
34 including the driver or passengers of the vehicle, is guilty of

1 aggressive driving.

2 For the purpose of this Section "aggressive driving" means
3 operating a motor vehicle carelessly or heedlessly in disregard
4 for the rights of others or in a manner that endangers or is
5 likely to endanger any property or any person, including the
6 driver or passengers of the vehicle and committing any 3 or
7 more of the following different traffic offenses: 11-709
8 improper lane usage; 11-704 improper overtaking on the right;
9 11-709.1 improper driving on the shoulder; 11-710 following too
10 closely; 11-203 disobeying a police officer; 11-305 disobeying
11 a traffic control device; 11-306 disobeying a traffic control
12 signal; 11-504 drag racing; 11-601 speeding; 11-605 speeding in
13 a school zone or highway construction/maintenance zone; 11-701
14 driving on the wrong side of the roadway; 11-707 disobeying a
15 no-passing zone; 11-802 improper U turn; 11-804 failure to
16 signal when required (turning or stopping); 11-904 failure to
17 yield; 11-1002 failure to yield to a pedestrian; 11-1201
18 disobeying a railroad crossing signal; or 11-1204 disobeyed
19 stop or yield sign.

20 (b) Sentence. Any person convicted of aggressive driving is
21 guilty of a Class B misdemeanor. A second or subsequent
22 commission of the offense of aggressive driving is a Class A
23 misdemeanor.

24 Section 99. Effective date. This Act takes effect January
25 1, 2005.